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Edward Menosse, Pasquale Parenti, and Estate of Pina J.
Barbieri

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JERRY VAUGHN and THERESA
TRAVERS,

Plaintiffs,

v.

BAY ENVIRONMENTAL MANAGEMENT
INC., CAESAR NUTI, DENNIS VARNI,
MARIO AQUILINO, LOYD BONFANTE
SR., JOSEPH DELLA ZOPPA, ESTATE OF
RICHARD GRANZELLA SR., EDWARD
MENOSSE, PASQUALE PARENTI, FSC
SECURITIES CORPORATION, AND
JERROLD N. WEINBERG

Defendants.

FSC SECURITIES CORPORATION and
JERROLD N. WEINBERG,

Cross-Claimants,

v.

BAY ENVIRONMENTAL MANAGEMENT
INC., ESTATE OF PINA J. BARBIERI,
CAESAR NUTI, DENNIS VARNI,

Cross-Defendants.

Case No. C03-5725 SC

**STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING FURTHER
STATUS CONFERENCE AND
HEARING ON MOTION FOR
PRELIMINARY APPROVAL OF
CLASS ACTION SETTLEMENT**

1 WHEREAS, the parties filed a settlement term sheet with the Court on July 30, 2010
 2 (Docket No. 206), which set forth the essential terms on which they have agreed to settle this
 3 matter;

4 WHEREAS, the parties attended a status conference on September 3, 2010 and reported
 5 to the Court that substantial progress had been made in setting forth the complete terms of the
 6 settlement in a formal, written agreement, and that they anticipated being able to submit a fully
 7 executed settlement agreement to the Court, along with Plaintiffs' papers requesting
 8 preliminary approval of the agreement, within two weeks;

9 WHEREAS, the Court ordered a further status conference and the hearing on Plaintiff's
 10 contemplated Motion for Preliminary Approval of the Class Action Settlement be held on
 11 September 17, 2010 at 10 a.m.;

12 WHEREAS, the parties have been working diligently on the formalization of the
 13 settlement agreement, but not yet finalized the settlement, as they are working to resolve
 14 complex Internal Revenue Code and related issues raised by the distribution of the settlement
 15 funds through previously terminated employee pension benefit plans;

16 WHEREAS, the parties expect to soon resolve all outstanding issues and execute a
 17 finalized settlement agreement, and Plaintiffs expect to file an unopposed motion for
 18 preliminary approval of the finalized agreement in the near future;

19 NOW, THEREFORE, the parties stipulate, and respectfully request the Court to order,
 20 as follows:

21 That the further status conference and hearing on Plaintiffs' Motion for Preliminary
 22 Approval currently set for September 17, 2010 at 10:00 a.m. be continued to November 15,
 23 2010 at 10:00 a.m.

24 DATE: September 16, 2010

LEWIS, FEINBERG, LEE, RENAKER &
 JACKSON, P.C.

27 By: /s/ Teresa S. Renaker
 28 Teresa S. Renaker
 Attorneys for Plaintiffs JERRY VAUGHN
 and THERESA TRAVERS

1 DATE: September 16, 2010

MORGAN LEWIS & BOCKIUS LLP

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4 By: /s/ Nicole A. Diller
5 Nicole A. Diller
6 Attorneys for Defendants
7 BAY ENVIRONMENTAL
8 MANAGEMENT INC., CAESAR NUTI,
9 DENNIS VARNI, MARIO AQUILINO,
10 LOYD BONFANTE SR., JOSEPH DELLA
11 ZOPPA, ESTATE OF RICHARD
12 GRANZELLA SR., EDWARD MENOSSE,
13 PASQUALE PARENTI, AND THE
14 ESTATE OF PINA J. BARBIERI

11 DATE: September 16, 2010

WILSON, ELSE, MOSKOWITZ, EDELMAN &
DICKER LLP

12
13
14 By: /s/ Bernard Gehlhar
15 Bernard Gehlhar
16 Emily Wood
17 Attorneys for Co-Defendants FSC
18 SECURITIES CORPORATION and
19 JERROLD N. WEINBERG

20 **ATTESTATION**

21 Pursuant to General Order 45(X), I attest that concurrence in the filing of this document
22 has been obtained from each of the other signatories.

23 Dated: September 16, 2010

24 By: /s/ Nicole A. Diller
25 Nicole A. Diller
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[PROPOSED] ORDER

Pursuant to stipulation, the Court hereby ORDERS as follows:

The status conference and hearing on Plaintiffs' Motion for Preliminary Approval currently set for September 17, 2010 at 10:00 a.m. is continued to November 15, 2010 at 10:00 a.m.

DATE: September 16, 2010

